

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

05-CV-00343-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NATASHA SARDEN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 05-0343-TSZ-JPD

ORDER OF DISMISSAL

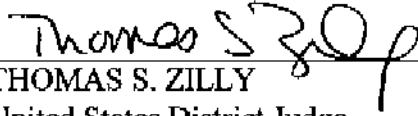
The Court, having reviewed petitioner's 28 U.S.C. § 2255 petition, all papers and exhibits in support and in opposition to that petition, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's § 2255 petition is DENIED, and this action is DISMISSED with prejudice;
- (3) The Report and Recommendation is also supported by the recent case of Schardt v. Payne, ____ F.3d ____, 2005 U.S. App. LEXIS 13569, at *35 (9th Cir. July 8, 2005), in which the United States Court of Appeals for the Ninth Circuit held that "the Supreme Court announced a new rule in Blakely v. Washington that does not apply retroactively to a conviction that was final before that decision was announced."

ORDER DISMISSING
PAGE -1

01 (4) The Clerk is directed to send copies of this Order to the parties and to Judge
02 Donohue.

03 DATED this 31st day of August, 2005.

04
05 
06 THOMAS S. ZILLY
07 United States District Judge
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26